

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION



ROY L. PERRY-BEY, et al.,

Petitioners,

Civil Action No. 123-cv-1165-LMB-IDD

v.

DONALD JOHN TRUMP, et al.,

Respondents.

MOTION TO AMEND COMPLAINT FOR JOINER/REMOVAL OF PARTIES

COMES NOW Roy L. Perry-Bey, and Carlos A. Howard, and moves this Honorable Court for leave to Amended Complaint for Joiner of Required Parties pursuant Rule 15 and 19 of the Federal Rules of Civil Procedure (FRCP 15 and 19), says that.

1. To amend its complaint to cure sovereign immunity or subject matter jurisdictional deficiency.

2. To join Georgia Alvis-Long, Secretary of Elections a required proper parties.

3. Plaintiffs complaint was styled *et al.*, in good faith but remain deficient.

4. Plaintiffs seeks removal of State Board of Elections, the Department of Elections and concede the Commonwealth Defendants enjoy sovereign immunity precludes their suit. "Sovereign immunity is jurisdictional in nature." *Bullock v. Napolitano*, 666 F.3d 281, 284 (4th Cir. 2012) (quoting *FDIC v. Meyer*, 510 U.S. 471, 475 (1994)). *Id.*

5. To amend its complaint in such a way as to permit the merits of the case to be resolved while ensuring the proper party's action or defense on the merits is not affected.

6. The Respondents' will not be prejudiced granting leave to amend the required joinder of proper parties.

7. The amendment asserts a claim or defense that arose out of the conduct, transaction, or occurrence set out—or attempted to be set out—in the original pleading; or

8. A party who is subject to service of process and whose joinder will not deprive the court of subject-matter jurisdiction must be joined as a party if:

9. In that party's absence, the court cannot accord complete relief among existing parties; or

10. leave an existing party subject to a substantial risk of incurring double, multiple, or otherwise inconsistent obligations because of the interest.

11. If a party has not been joined as required, the court must order that the person be made a party.

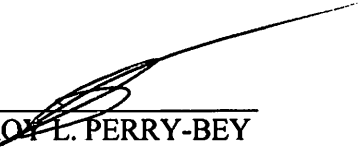
12. Petitioners' has sufficient justification and believe ~~they have~~ standing to sue and will likely succeed on the facts and law if granted leave for joinder of required proper parties for good cause shown and as a matter of law. See Kerchner v. Obama, 612 F.3d 204, 207 (3d Cir. 2010).

Respectfully Submitted,


ROY L. PERRY-BEY

CERTIFICATION OF SERVICE

I hereby certify that a true copy of the foregoing copy was mailed postage paid USPS to David A. Warrington, Esq., 2121 Eisenhower Avenue, Suite 608 Alexandria, Virginia 22314, Travis S. Andrews, Assistant Attorney General, Office of the Attorney General 202 North Ninth Street, Richmond, Virginia 23219.



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